In claim 2, line 3, please replace "coagulase-negative staphylococcal" with --Staphylococcus epidermidis--.

In claim 3, line 3, please replace "coagulase-negative staphylococcal" with --Staphylococcus epidermidis--.

REMARKS

The examiner notes in the office action that the application fails to comply with the requirements of 37 C.F.R. 1.821 through 1.825 for the reasons set forth in the notice to comply with requirements for patent applications containing nucleotide sequence and/or amino acid sequence disclosures, a copy of which is submitted herewith. In particular, the aforementioned notice directs applicant's attention to the raw sequence listing error report which indicates that sequence number 3 includes the variable nucleotide base "n" at locations 3, 6, 9, 12, 15 and 18 without including the mandatory information in fields 220 to 223. Accordingly, applicant has amended the sequence listing to correct this error and has made the appropriate amendment to the specification.

With respect to sequence no. 3, it is to be noted that this sequence is the nucleotide sequence shown on page 10, line 25 which includes 6 codons. As noted on page 10, lines 22-25, the aforementioned sequence codes for a dipeptide region composed of tandemly repeated aspartic acid and serine residues. Thus sequence number 3 as shown on page 10, line 25, codes for the sequence DSDSDS wherein D is aspartic acid and S is serine. In sequence 3 the codon "GAX" codes for aspartic acid. It is to be noted from the entire nucleotide sequence shown in figure 6 that the codons for aspartic acid are GAT and GAC. Thus the variable nucleotide "X" in the first, third and fifth codon is T or C.

Similarly it is to be noted from figure 6 that serine is coded by TCG, TCC, TCA, TCT, AGT and AGC. Thus it follows that the "X" in the second and fourth codons is G, C, T or A and "X" in the last codon is either T or C.

In view of the above, it is clear that "n" at positions 6 and 12 of SEQUENCE ID NO. 3 is c, t, a, or g and "n" at positions 3, 9, 15 and 18 is c or t. This information is now contained in the appropriate sections in the newly submitted sequence listing.

In addition to the paper copy of the sequence listing submitted herewith, applicant also submits herewith a labeled copy of the aforementioned sequence listing in computer readable form. Also submitted herewith is the appropriate statement under 37 C.F.R. § 1.825(a) and (b). Accordingly, applicant submits that the application is presently in full compliance with the requirements for patent applications containing nucleotide sequence and/or amino acid sequence disclosures.

In item 2 of the office action the examiner has required restriction under 35 U.S.C. § 121 and 372. In requiring restriction, the examiner notes that the application contains 11 inventions or groups of inventions (groups I-XI) which are not linked as to form a single general inventive concept under PCT rule 13.1. In particular, the examiner urges that the inventions listed as groups I-XI do not relate to a single general inventive concept because the technical feature linking groups I-XI appears to be that they relate to a polypeptide designated as a protein or a polypeptide having fibrinogen binding activity from a coagulase-negative staphylococci strain. In this regard the examiner notes that Heimburger et al. teach a protein (clumping factor) having fibrinogen binding activity from a coagulase-negative staphylococci strain, staphylococcus aureas Newman D2C.

In response to this restriction requirement applicant hereby elects the invention of group I (claims 1 and 25) drawn to a protein or polypeptide. In this regard it is to be noted that claim 25 of the elected invention is a vaccine.

The above election is made with traverse since the claims have now been amended by replacing each recitation of "coagulase-negative staphylococcal strain" with "Staphylococcus epidermidis strain" in order to provide the required special technical feature which links the groups. In this regard it is to be noted that Heimburger et al. does not disclose or suggest this particular feature of the invention and thus it can no longer be said that the inventions of groups I-XI lack a special technical feature which defines a contribution over the prior art.

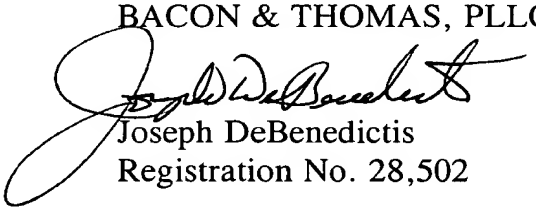
Furthermore, even in the absence of such a special technical feature, applicant submits that the product claims should be examined with the method of producing the product. Accordingly, even in the absence of such a special technical feature, the invention of group II should be examined together with group I. In this regard it is to be noted that in many PCT countries claims to a product and claims to a method of producing a product are allowed in the same application.

In view of the above, it is now believed that examination is in order with respect to all of the pending claims.

Respectfully submitted,

Date: February 28, 2000

BACON & THOMAS, PLLC



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